

IN THE SUPREME COURT OF THE STATE OF NEVADA

SPIKE BROWN A/K/A COUNT SPIKE
BROWN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56844

FILED

MAY 10 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE


This is a direct appeal from a judgment of conviction, pursuant to a jury verdict, of possession of stolen property and possession of a firearm by an ex-felon. Eighth Judicial District Court, Clark County; David B. Barker, Judge.

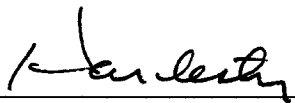
Appellant Spike Brown contends that insufficient evidence was adduced to support the jury's verdict on count I (possession of stolen property). Specifically, Brown claims there was no direct evidence that he possessed the stolen firearm. We conclude that the evidence, when viewed in the light most favorable to the State, is sufficient to establish guilt beyond a reasonable doubt as determined by a rational trier of fact. See Jackson v. Virginia, 443 U.S. 307, 319 (1979); Mitchell v. State, 124 Nev. 807, 816, 192 P.3d 721, 727 (2008).

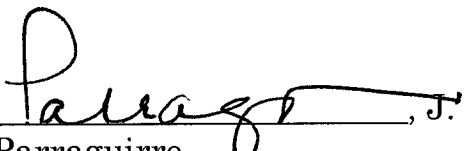
Trial testimony indicated that Brown fled on foot after officers initiated a felony traffic stop of the vehicle he was riding in. A Smith & Wesson .40 caliber pistol containing Brown's DNA was discovered in close proximity to where he was found hiding. The owner of the Smith & Wesson testified that the firearm was taken from his home during a burglary approximately eight months earlier.

It is for the jury to determine the weight and credibility to give conflicting testimony, and a jury's verdict will not be disturbed on appeal where, as here, substantial evidence supports the verdict. See NRS 205.275(1); McNair v. State, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992); Bolden v. State, 97 Nev. 71, 73, 624 P.2d 20, 20 (1981). Additionally, circumstantial evidence alone may sustain a conviction. See Buchanan v. State, 119 Nev. 201, 217, 69 P.3d 694, 705 (2003). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. David B. Barker, District Judge
Sanft Law, P.C.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk